

REMARKS

Claims 8-10, 14, 15, and 21-26 are pending and under active consideration. Claim 8 has been amended to delete "aspartate aminotransferase," and "glutamate dehydrogenase, or asparaginase."

The amendment is fully supported by the present specification as mentioned below, and does not represent new subject matter. Applicants respectfully request that the amendment and remarks made herein be entered into the record of the instant application.

THE REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH, FOR LACK OF ENABLEMENT SHOULD BE WITHDRAWN

Claims 8-10, 14, 15, and 26 have been rejected under 35 U.S.C. § 112, first paragraph, for lacking enablement over the scope claimed because the specification is alleged not to provide enablement for the full scope of the claimed transgenic plants. The Examiner has indicated, however, that the Declaration under 37 CFR § 1.132 filed April 2, 2003, hereafter the "Coruzzi Declaration," is sufficient to overcome the rejection of claims based upon lack of scope of enablement. The Office Action indicates that the claims are enabled for the generation of transgenic plants with an enhanced growth phenotype comprising ectopically expressing glutamate 2-oxoglutarate aminotransferase.

In response, claim 8 has been amended to delete recitation of aspartate aminotransferase, glutamate dehydrogenase, and asparaginase. Claim 8, as amended, is directed to subject matter that is indicated in the Office Action to be enabled, i.e., transgenic plants with an enhanced growth phenotypes comprising ectopically expressing glutamate 2-oxoglutarate aminotransferase. Applicants submit that dependent claims 9, 10, 14, 15, and 26 are similarly enabled in view of the scope of enablement of amended claim 8.

In view of the forgoing amendments and reasoning, Applicants respectfully

request the Examiner's withdrawal of the rejections under 35 U.S.C. § 112, first paragraph.

OBJECTION TO CLAIMS 21-25

Claims 21-25 are indicated to be allowable but objected to as dependent upon a rejected base claim.

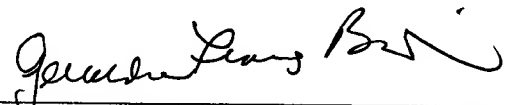
In view of the amendment to claim 8, made herein, it is submitted that this objection is avoided and moot.

CONCLUSION

Entry of the foregoing amendment and remarks into the record of the above-identified application is respectfully requested. Applicants submit that the remarks and amendments made herein now place the pending claims in condition for allowance. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

Date: September 17, 2003



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